

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

10/519906

Applicant's or agent's file reference MULTI-014	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/BR 03/00084	International filing date (day/month/year) 01.07.2003	Priority date (day/month/year) 04.07.2002
International Patent Classification (IPC) or both national classification and IPC F25D11/02		
Applicant MULTIBRAS S.A. ELETRODOMESTICOS et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 03.02.2004	Date of completion of this report 23.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Merkt, A Telephone No. +49 89 2399-2935 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/BR 03/00084**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-7 received on 06.07.2004 with letter of 25.06.2004

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,4-7
	No: Claims	1,3
Inventive step (IS)	Yes: Claims	5-7
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

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EXAMINATION REPORT - SEPARATE SHEET**

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-5704224

D2: US-A-5875642

Claim 1:

Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The subject-matter of claim 1 pretends to be "an air distribution system (suitable) for combined refrigerators" but afterwards features are claimed which concern and belong to said combined refrigerator (freezing compartment, refrigerating compartment, air-cooling compartment, evaporator), which is per definition not part of the claimed subject-matter. Therefore, the claim is unclear. It should have been directed to a "combined refrigerator with an air distribution system, comprising:".

The following report is set up under consideration of such a claim as follows:

Document D1, discloses (see especially figure 7) **a combined refrigerator with an air distribution system**, comprising: a freezing compartment (23) and a refrigerating compartment (24); an air-cooling compartment (25) lodging a evaporator (28); a distributing duct (31e) having a rear window (31a) opened to the air-cooling compartment (25), at least one front opening (32a) communicating with the freezing compartment (23) and one end opening (31b) maintained in communication with the refrigerating compartment (24); and a fan (26) producing a forced airflow from the air-cooling compartment (25) to the freezing compartment (23) and to the refrigerating compartment (24), said distributing duct (31e) carrying a **conduit** (33a, 33b), having a first end coupled to the end opening (31b) of the distributing duct (31e), and a second end selectively placed in fluid communication with one of the parts defined by the distributing duct (31e) and by the air-cooling compartment (25) (in a circular flow all the elements are in "fluid communication" altogether), said conduit being internal to the distributing duct (at the lower end of the duct 31e the conduit (33a, 33b) is partly inserted into the duct 31e at 31b).

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Hence, all the features of claim 1 are known from document D1 and the subject-matter of claim 1 is not new in the sense of Article 33 (2) PCT.

Claims 2-7:

Dependent claim 3 does not contain any additional features which, in combination with the features of any claim to which it refers, meet the requirements of PCT with respect to novelty (Article 33 (2) PCT), the essential features thereof being already included in document D1.

Dependent claims 2 and 4 do not seem to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of PCT with respect to inventive step (Article 33 (3) PCT), the essential features thereof being already included in document D1 or they are merely one of several possibilities under which a skilled person would select.

The combination of the features of dependent claims 5-7 is neither known from, nor rendered obvious by, the available prior art.

The industrial applicability of the invention is obvious.

Further remarks:

The term "conduct" doesn't seem to be the right expression for what is meant. It simply does not exist as a noun. Therefore a lack of clarity arises.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 and D2 is not mentioned in the description, nor are these documents identified therein.

CLAIMS

1. An air distribution system for combined refrigerators of the type which comprises: a freezing compartment (10) and a refrigerating compartment (20);
5 an air-cooling compartment (40) lodging at least one evaporator (45); a distributing duct (60) having a rear window (62) opened to the air-cooling compartment (40), at least one front opening (65) communicating with the freezing compartment (10), and one end
10 opening (64) maintained in communication with the refrigerating compartment (20); and at least one fan (46, 47) producing a forced airflow from the air-cooling compartment (40) to the freezing compartment (10) and to the refrigerating compartment (20),
15 characterized in that the distributing duct (60) carries a conduct (63), having a first end coupled to the end opening (64) of the distributing duct (60), and a second end selectively placed in fluid communication with one of the parts defined by the
20 distributing duct (60) and by the air-cooling compartment (40), said conduct (63) being internal to the distributing duct (60).
2. The air distribution system according to claim 1,
characterized in that the conduct (63) is incorporated
25 to the distributing duct (60).
3. The air distribution system according to claim 2,
characterized in that the distributing duct (60) comprises a rear basic portion (60a) in the form of a
30 vertically disposed tray, having a rear wall provided with a rear window (62) and defining at least part of a front wall of the air-cooling compartment (40), and a front cover portion (60b) to be seated and affixed against the rear basic portion (60a) and being provided with at least one front opening (65).
- 35 4. The air distribution system according to claim 3,

characterized in that the front cover portion (60b) defines a wall portion of the conduct (63) when assembled.

5 5. The air distribution system according to claim 1,
 characterized in that the conduct (63) is maintained
 in selective fluid communication with one of the parts
 defined by the distributing duct (60) and by the air-
 cooling compartment (40) by means of respective front
10 opening (66) and rear opening (67) produced by the
 rupture of corresponding wall portions of the conduct
 (63).

 6. The air distribution system according to claim 5,
 characterized in that the conduct (63) conducts a
 forced airflow supplied, through the inlet opening
15 (66), coming from the distributing duct (60)), to
 whose rear window (62) is operatively associated a fan
 (46).

 7. The air distribution system according to claim 5,
 characterized in that the conduct (63) conducts a
20 forced airflow, which is produced by a fan (47) that
 is operatively associated to the end opening (64) and
 to the refrigerating compartment (20), and which is
 supplied by the air-cooling compartment (40) to the
 conduct (63), through the rear opening (67).